

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 21, 2004. At the time of the Office Action, Claims 1-23 were pending in this Application. Claims 1-5, 8-12, and 19-21 were rejected. Claims 13-18 and 22 were allowed and Claims 6 and 7 were objected to. Claim 23 was not reviewed in this Office Action.

#### New Review of Claims and Issuance of Office Action

Applicants appreciate Examiner issuing a new Office Action mailed September 21, 2004, which replaced the previous Office Action mailed August 12, 2004, and resetting the clock. However, Claims 1-23 were filed in the instant application and the Office Action mailed September 21, 2004 only references review of Claims 1-22. Applicants respectfully request clarification and review of Claim 23.

#### Rejections under 35 U.S.C. § 102

Claims 1-5, 8-12, and 19-21 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,847,454 issued to Kevin A. Shaw et al. ("Shaw et al.").

##### Claims 1 and 2

Claims 1 and 2 have been canceled.

##### Claims 3 - 5, 8 - 12, and 23-27

Claim 3 has been amended to recite a significant feature of the invention not taught or suggested in Shaw. As amended, Claim 3 recites that the beam is spaced relative to the substrate to permit it to move in a horizontal plane across the substrate.

Shaw teaches away from such movement. In Shaw, the movement of the beam is torsional. In other words, the beam twists around its own axis, as illustrated in Figure 17.

Claim 3 is not taught or suggested by Shaw and is allowable. Claims 2-5 and 8-12 are dependent on Claim 3 and allowable for the same reason. Claims 8-10 have been cancelled, but rephrased as Claims 23-25. Claims 26 and 27 are similar to Claims 6 and 7, but are dependent on Claim 3.

Claims 19-21 and 28

Claim 19 has been amended in a manner similar to the amending of Claim 3. It is now allowable as are its independent claims. Claim 28 has been added and is supported in the text on page 10, lines 10-11 and page 9, lines 26-27.

Allowable Subject Matter

Claims 13-18 and 22 are allowed.

Applicants appreciate Examiner's consideration and indication that Claims 6 and 7 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants have amended Claims 6 and 7 accordingly.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims as amended.

Applicants enclose a Fee Transmittal and a check in the amount of \$100.00 for one additional independent claim.

Applicants enclose a Petition for Extension of Time (2 months) and a check in the amount of \$225.00 for the extension fee.

Applicants believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,  
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